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09/882,195	06/15/2001	Thomas M. Stephany	82934PCW	8395

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EXAMINER

TRAN, ELLEN C

ART UNIT PAPER NUMBER

2134

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,195

Applicant(s)

STEPHANY ET AL.

Examiner

Ellen C Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>18 March 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication: original application filed 15 June 2001.
2. Claims 1-16 are currently pending in this application. Claims 1 and 9 are independent claims.

Drawings

3. The drawings are objected to because they are handwritten and the text is unclear. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

5. **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by Carr et al. U.S. Patent No. 6,788,800 (hereinafter ‘800).

As to independent claim 1, “A method for authenticating animation, the method comprising the steps of:” is taught in ‘800 col. 2, lines 20-26 “The following section describe a system and related methods for authenticating products. While the description illustrates the system with an example of packaged software product, it applies to a variety of types of objects. There are two principal parts of the product authentication architecture: 1) a system for embedding authentication data into the product; and 2) a system for authenticating, the product”;

“(a) converting the captured image into a wire mesh data for permitting animation of the image” is shown in ‘800 col. 7, lines 49-58 “Another way is to scramble the location of the watermark or the relationship between different parts of the watermark using a cryptographic function. For example, the watermark may be replicated in blocks of an image, where each block encodes a similar payload, yet encodes that payload in a different manner based on a secret key”;

“(b) providing movement data, which directs movement of the wire mesh data, and texture data indicating the covering for the wire mesh” is disclosed in ‘800 col. 5,

lines 27-46 “The application of the authentication system to the registration and installation of software and embedded systems may be extended more generally to many forms of digital content, such as software, music, movie, games, etc. In each of these applications, the authentication method and system is similar. The digital content being authenticated may be packaged on a variety of storage media, such as an optical disk, magnetic disk flash memory card, et. The embedded security data that is readable by machine and that is validated against a product identifier. The validation process may trigger actions relating to the digital content stored on the storage medium, such as control rendering of the content, control transfer of the content from the storage medium to another device, control usage of the content (e.g., number of copies, transfers, etc. allowed), linking to a network to retrieve related information or actions (e.g., linking to a product web site to get more information, license rights or purchase products or services”;

“(c) electronically transmitting the wire mesh data, texture data and movement data” is taught in ‘800 col. 6, lines 32-50 “Some examples of such devices are receivers of scrambled content like computers, set-top boxes, personal digital assistants, audio and video players, etc ... A similar approach may be applied to other digital content that is downloaded or streamed in an encrypted form over a network, like the Internet, wireless phone network, cable television network, etc.”

“(d) encrypting the movement data; and (e) electronically transmitting the encryption the movement data for verifying that the animation is unaltered during transmission from its source” is shown in ‘800 col. 4, lines 1-29 “For enhanced security, various elements of the embedded data may be encrypted. Some or all of the watermark

message, including the security data in the message may be encrypted ... Authenticating a Product Using Embedded Security Data”.

As to dependent claim 2, “further comprising the step of encrypting the texture data before electronically transmitting” is disclosed in ‘800 col. 4, lines 1-29.

As to dependent claim 3, “further comprising the step of encrypting the wire mesh data before electronically transmitting” is taught in ‘800 col. 4, lines 1-29.

As to dependent claim 4, “wherein step (e) includes transmitting via the Internet” is shown in ‘800 col. 6, lines 32-50.

As to dependent claim 5, wherein step (a) includes converting the captured image by an animation processor” is disclosed in ‘800 col. 2, lines 45-67 “FIG. 1 is a flow diagram illustrating a method for embedding security data into a product ... The embedding process takes this identifier and transforms it into a form of data for embedding in the products”

As to dependent claim 6, “wherein step (c) includes transmitting via the Internet” is taught in ‘800 col. 6, lines 32-50.

As to dependent claim 7, “wherein step (c) includes manually distributing in lieu of electronically distributing” is shown in ‘800 col. 2, lines 38-44 “In the more general case, the embedded security data may be used to check whether a product is authentic by validating a conspicuous product identifier, such as a visible serial number, with one imperceptibly embedded in the product or its packaging. These systems are detailed further below”.

As to dependent claim 8, “wherein step (e) includes manually distributing in lieu of electronically distributing” is disclosed in ‘800 col. 2, lines 38-44.

As to independent claim 9, “A method for authenticating animation, the method comprising the steps of:” is taught in ‘800 col. 2, lines 20-26;

“(a) converting the captured image into a wire mesh data for permitting animation of the image” is shown in ‘800 col. 7, lines 49-58;

“(b) providing movement data, which directs movement of the wire mesh data” is disclosed in ‘800 col. 5, lines 27-46;

“and texture data indicating the covering for the wire mesh” is taught in 800 col. 3, lines 22-29 “Alternatively, the watermark may be encoded using clear inks that modulate the microtopology of the product’s surface ... Alternative machine readable codes may be used as well, such as data glyphs, invisible bar code, etc.”;

“(c) electronically transmitting the wire mesh data, texture data and movement data” is shown in ‘800 col. 6, lines 32-50;

(d) encrypting a representation of the movement data which representation includes less bits of data than the movement data; and (e) electronically transmitting the encrypted representation of the movement data for verifying that the animation is unaltered during transmission from its source” is disclosed in 800 col. 4, lines 1-29.

As to dependent claim 10, “further comprising the step of encrypting a representation of the texture data before electronically transmitting, which representation includes less bits of data than the texture data” is taught in ‘800 col. 3, lines 12-29 “In digital watermarking of images printed on physical objects, there is a tradeoff between visual perceptibility and survivability of the watermark. In this application, the watermark is embedded so as to be sufficiently robust to survive analog to digital conversion, digital to analog

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conversion, and possible other forms of corruption, including geometric distortion, additive noise, and compression. The watermark may be encoded by altering the luminance or one or more other color channels of an image printed on the surface of the product. Alternatively, the watermark may be encoded using clear inks that modulate the microtopology of the product's surface or that are readable when exposed to light in non-visible wavelengths, like UV or infrared. Also, the microtopology of the product surface may be altered in the process of creating the product surface so as to embed a watermark. Alternative machine readable codes may be used as well, such as data glyphs, invisible bar codes, etc”.

As to dependent claim 11, “further comprising the step of encrypting a representation of the wire mesh data before electronically transmitting, which representation includes less bits of data than the wire mesh data” is shown in ‘800 col. 3, lines 12-29.

As to dependent claim 12-16, these claims contain substantially similar subject matter as claims 4-8; therefore they are rejected along the same rationale.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 6:30 am to 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ellen Tran
Patent Examiner
Technology Center 2134
09 November 2004

A handwritten signature in black ink, appearing to read 'E. Tran', is located to the right of the typed name and date.